

JAP:ALC

M-11-152

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

COMPLAINT AND AFFIDAVIT
IN SUPPORT OF APPLICATION
FOR ARREST WARRANT

DIEGO GUARCHAJ VASQUEZ,
also known as
"Manuel Kuachaj,"
"Mac Abram," and
"Herman David Machu-Vasquez,"

(T. 8, U.S.C.,
§§ 1326(a) and
1326(b)(2))

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

GERARDO GALINDO, being duly sworn, deposes and states that he is a Deportation Officer with United States Immigration and Customs Enforcement ("ICE"), duly appointed according to law and acting as such.

On or about December 25, 2010, within the Eastern District of New York, the defendant DIEGO GUARCHAJ VASQUEZ, also known as "Manuel Kuachaj," "Mac Abram," and "Herman David Machu-Vasquez," an alien who had previously been deported from the United States after a conviction for an aggravated felony, was found in the United States without the Secretary of the United States Department of Homeland Security, successor to the Attorney General of the United States, having expressly consented to such alien's applying for admission.

(Title 8, United States Code, Section 1326(b)(2)).

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

1. I am a Deportation Officer with ICE and have been involved in the investigation of several cases involving the illegal re-entry of aliens. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the ICE investigative file, including the defendant's criminal history record; my review of records from the New York Police Department ("NYPD"); and from reports of other law enforcement officers involved in the investigation.

2. On December 25, 2010, the defendant DIEGO GUARCHAJ VASQUEZ, also known as "Manuel Kuachaj," "Mac Abram," and "Herman David Machu-Vasquez," was arrested by the New York City Police Department ("NYPD") in Brooklyn, New York for Attempted Gang Assault in the Second Degree, in violation of New York Penal Law § 120.06, among other violations. The defendant used the name "Mac Abram" in connection with this arrest.

3. Based on a review of criminal history records, on or about March 26, 2008, the defendant DIEGO GUARCHAJ VASQUEZ, also known as "Manuel Kuachaj," "Mac Abram," and "Herman David Machu-Vasquez," was convicted under the name "Manuel Kuachaj" in

^{1/} Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all of the relevant facts and circumstances of which I am aware.

Kings County Supreme Court of an aggravated felony, namely Assault in the Second Degree in violation of New York Penal Law § 120.06.

4. Based on a review of ICE records, on or about May 27, 2008, the defendant DIEGO GUARCHAJ VASQUEZ, also known as "Manuel Kuachaj," "Mac Abram," and "Herman David Machu-Vasquez," was removed from the United States pursuant to an Order of removal issued on October 7, 2004. At the removal hearing, the defendant used the name "Herman David Machu-Vasquez."

5. A ICE official with fingerprint analysis training compared the fingerprints taken in connection with the defendant's arrest underlying the March 26, 2008 conviction, the fingerprint taken in connection with the defendant's May 27, 2008 removal, and the fingerprints taken in connection with the defendant's December 25, 2010 arrest. The official determined that all three sets of fingerprints were made by the same individual.

6. A search of ICE records has revealed that there exists no request by the defendant DIEGO GUARCHAJ VASQUEZ, also known as "Manuel Kuachaj," "Mac Abram," and "Herman David Machu-Vasquez," for permission from either the United States Attorney General or the Secretary of the Department of Homeland Security to re-enter the United States after removal.

WHEREFORE, your deponent respectfully requests that the defendant DIEGO GUARCHAJ VASQUEZ, also known as "Manuel Kuachaj," "Mac Abram," and "Herman David Machu-Vasquez," be dealt with according to law.



Gerardo Galindo
Deportation Officer
Immigration and Customs Enforcement

Sworn to before me this
11th day of February, 2011

UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK